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EXAMINER

CHEN, ALAN S

ART UNIT PAPER NUMBER

2182

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,418

Applicant(s)

REESE ET AL.

Examiner

Alan S. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/26/2005 have been fully considered but they are not persuasive. However, in light of the amendments, claim 7 is allowable over the prior art, but carries 35 U.S.C. 112 issues that must be rectified prior to allowance. Examiner's arguments regarding the remaining claims are given below.

Main Issue of Contention

2. Applicant argues the intention of claims is to have an initial boot sequence where no network device driver is loaded and no network connectivity established until after the user has logged in (pg. 8, first paragraph of remarks).

Applicant argues PEL sequence of Hubacher requires Hubacher to load NIC or MAC driver before login after the POST in order to communicate with the server to get the login screen.

Examiners Response to Issue

3. Examiner does not agree with either of the applicant's arguments simply because the arguments are not warranted by the undue breadth of the claim language. Applicant is essentially arguing ***absolutely no*** network connection or drivers can be loaded during the initial boot sequence. However the claims (e.g., claim 1) only require "an initial boot sequence in which a network device driver for each network component is loaded and the network connectivity is established only after user has logged in". The limitation only requires a single network device driver out of a potential multitude of network device drivers to not load and ***cannot*** be construed to encompass all of the network device drivers that can be loaded. While it

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is true that Hubacher discloses loading a driver in order for the NIC to get the PEL over the network (e.g., Column 3, lines 15-20), the network components in Hubacher, e.g., Netware or Microsoft network clients and associated drivers/software, *cannot* be loaded until after the operating system has been loaded. Thus, in the initial boot sequence, all of which is shown in Fig. 5, the operating system (Windows NT) and corresponding drivers associated with network components such as Netware and Microsoft clients, which was very well-known to one of ordinary skill in the art, are not loaded until *after Pre-execution logon* (PEL). This is further shown in Fig. 4, where the PEL client logon occurs at Fig. 4, step 429 and the OS is loaded afterwards at step 434.

4. The premise behind Examiner's arguments is that there are actually two logins, one being the PEL in Hubacher and the other being the one from Windows NT, e.g., shown in Fig. 15 of Dutcher. Network drivers and network connectivity for network components in Windows NT, e.g., for communication on Microsoft and Netware networks, absolutely cannot be loaded until after the Pre-execution Logon disclosed by Hubacher blatantly since Windows NT is not loaded until after the Pre-execution Logon. At the second log-in, e.g. the Windows NT login in Fig. 15 of Dutcher, allows the user to select which domain, e.g., networks to connect to. The very broad nature of the claims does not prevent this interpretation by the Examiner. For instance, claim 1 states the user having "logged in" which can clearly be the Pre-execution logon, whereas the user being able to specify on or more different networks "during log-in" can clearly be the Windows NT log-in. Nowhere in the claims requires only a single login, nor is it required when one interprets the claims in light of the specification

5. The Examiner gives a more detailed analysis and mapping of the claims vis-à-vis the prior art references to Hubacher and Dutcher in the rejection below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1 (last line), 5 and 6 recite the limitation "the network drivers". There is insufficient antecedent basis for this limitation in the claim. To expedite prosecution, the Examiner will assume the singular "a network device driver" first mentioned in claim 1 actually refers to a plurality of network device drivers.

9. Claims 1 (last line), 5 and 6 recite the limitation "log-in". There is insufficient antecedent basis for this limitation in the claim. Applicant discloses the user being able to be "logged in" but does not disclose when, how, or where this logging in is performed. The "log-in" that the applicant recites can be from multiple log-in prompts or just one. It is simply not specified. Under the broadest reasonable interpretation of the claims, the Examiner will assume the log-in can be one of multiple log-in prompts.

10. Claim 7 recites the limitation "the user log-in". There is insufficient antecedent basis for this limitation in the claim. Claim one discloses a "log-in" but this can be one of multiple log-in. To expedite prosecution, the Examiner will assume the "user log-in" refers to the "log-in" stated in claim 1.

11. Claims 2-11 are further rejected as being dependent on a rejected base claim.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable over Hubacher in view of Dutcher.

14. As per claims 1, 12 and 17, Hubacher discloses a computer, method and computer readable medium (Figs. 4-8) comprising: at least one network component (Column 1, lines 45-50, Hubacher discloses the ability to use Windows NT, which, in accord to the current prosecution history, intrinsically has network components, e.g., protocols/clients such as the Netware or Microsoft clients, etc; the modem in Fig. 3, element 322 can also be a "network component") each network component enabling the computer to communicate with one or more different network (Netware client for instance allows on to communicate with other Netware computers in a Netware network, Microsoft Client enables one to communicate with Microsoft computers in a Microsoft network; the modem in Fig. 3, element 322, allows one to communicate with a network over a PSTN); an initial boot sequence (all of Fig. 5 is the boot sequence) in which a network device driver for each network component is loaded and network connectivity is established only after a user has logged in (only when the operating system is loaded can the network device drivers/components be loaded to communicate with for example the Microsoft or Netware networks. The operating system is loaded only after the user has

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logged in via the PEL, e.g., the pre-execution login screen. Hubacher refers to logging in at step 740 and 742, where the client has a simple connection to the server, and where the full operating system that holds all the drivers for the network protocols/clients, modem drivers, etc., has *not* been loaded yet until the user has logged in via the PEL. Column 9, lines 15-25 discloses in more detail the OS being downloaded from the network server and run on the client, the OS in and of itself has a separate "login"), the initial boot sequence is executed at least in part by a BIOS of the computer without loading the network device drivers (from Fig. 5, one can see that the BIO does not load the network device drivers since the operating system itself which uses and loads these drivers are not loaded until Fig. 5b, element 518; Fig. 5, element 500 begins the initial boot sequence via the BIOS, and the initial boot sequence continues all the way to Fig. 5b, element 518 where the OS is loaded and OS login prompt and network drivers are executed). Note that the Pre-execution login PEL is initiated by the boot program is strictly for the download of the appropriate operating system and does NOT load any of the network device drivers or the network components that accesses various domains/networks such as a Netware network or a Microsoft network. This is equivalent to what is very broadly claimed in claim 1, where the loading of the network component and network connectivity is only established after the user has logged into this PEL. Hubacher discloses using Windows NT as the OS, Column 1, lines 45-55, which in and of itself requires another login which is different from the PEL. The "log-in" claimed in claim 1, at the end of the second limitation, is equivalent to the Windows NT login, which intrinsically comes with Windows NT, allowing the user to select the network domain to connect to with the log-in to the actually full operating system has been downloaded from the server, e.g., Windows NT is different than the initial logging in to the client system,

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e.g., Fig. 7, steps 740 and 742. In essence, there are two logins here, one for downloading the OS and another for login into the downloaded OS. The former “login” is referencing the elements 740-750 in Fig. 7). Specifically for claims 12 and 17, pre-log-in refers to before login at Fig. 7 element 742; post-log-in refers to after login at Fig. 7 element 742 e.g., on the Windows NT prompt.

Hubacher does not expressly disclose the intricacies of the Windows NT OS, e.g., its ability to select from among different networks during a log-in procedure.

Dutcher discloses the ability of the user to select one a variety of different networks during a log-in procedure (Fig. 15).

Hubacher combined with Dutcher are analogous art because they are from the same field of endeavor in network connections using Windows NT.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to realize that Windows NT has the ability to select a network during login.

The suggestion/motivation for doing so would have been the selection of a network being built into the Windows NT operating system, where one of ordinary skill in using Windows NT would have noticed at login, the ability to select the Domain.

Therefore, it would have been obvious to combine Hubacher with Dutcher for the benefit of utilizing the built-in ability of Windows NT to select the domain, Windows NT intrinsically being a network oriented operating system.

15. As per claims 2-4, 14-16 and 18-20 Hubacher combined with Dutcher discloses claims 1, 12 and 17, wherein Dutcher further discloses the user specifying the desired one of the one or more different networks during log-in (Windows log-in, not Pre-execution logon) by specifying

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a unique user-name and domain (Fig. 15). Hardware/Network profiles are loaded respectively with the unique user name and network profile.

16. As per claim 5, Hubacher combined with Dutcher discloses claim 1, wherein Hubacher further discloses the initial boot sequence comprises hardware detection (Fig. 7, power on self test detects and tests rudimentary required hardware), without loading network device drivers (full OS, e.g., Windows NT is not loaded initially during initial boot, e.g., Fig. 5b, element 518).

17. As per claims 6, Hubacher combined with Dutcher discloses claim 1, wherein Hubacher further discloses the initial boot sequence comprises bootstrapping (Fig. 5a, element 512) is minimal, e.g., it does not require hardware profile selection, network drivers, etc (Fig. 4, steps 402-432 occur before full OS is loaded).

18. As per claims 8-11, Hubacher combined with Dutcher discloses claim 1, wherein Hubacher further discloses the network component can be a modem or network adapter (Fig. 3, elements 310 and 322) to connect to a known type of network (Fig. 1a, element 102).

19. As per claim 13, Hubacher combined with Dutcher discloses claim 12, wherein Hubacher further discloses the pre-log-in boot sequence comprises: a POST (Fig. 4, element 402; Column 6, lines 20-25); an initial start-up process (Fig. 4, element 402-406); a boot loader process without selecting the hardware profile (Fig. 4, element 408; Fig. 3 shows the workstation, where none of the device drivers for the hardware components are loaded in Fig. 4, e.g., it is currently a thin client); operating system selection (Column 9, lines 40-50); hardware detection (detects at least the server from which to download the OS, Fig. 4, elements 430); configuration selection (minimal configuration to download OS from server, Fig. 4, element 430); kernel loading

without loading the network device drivers (certain system files are loaded for basic operation, Fig. 420 and 430, .DOS and .SYS files, this is prior to the full OS load, e.g., Fig. 4, step 434).

Allowable Subject Matter

20. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, *all* the limitations of the independent claim(s) (claim 1), particularly the user log-in where the hardware profile selection is made allows the user to log-in, whereby only after the user logs in is when the network device drivers are loaded. Note while some claims dependent on claim 17 is similar in language to claim 7, they are indeed different from 17 because claim 17 states a log-in which is different than the user log-in in claim 1 when viewed with the prior art references. The log-in in claim 17 is the Windows NT login whereas the "user log-in" in claim 7 must refer to the Pre-execution login.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
11/09/2005



KIM HUYNH
PRIMARY EXAMINER

11/14/05